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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,826	02/02/2004	William L. Reber	82351	9065

22242 7590 12/01/2004

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/769,826	REBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chanh Nguyen	2675	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/27/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed on the Information Disclosure Statement filed on May 27, 2004 have been considered by examiner (see attached PTO-1449).

### ***Claim Objections***

2. Claims 1-3 are objected to because of the following informalities: Although applicant claims 1-3 meet requirement of 112/2<sup>nd</sup>, i.e. the metes and bounds are determinable, the format of the claim could be improved. Example is the use of dash symbol (-) at the beginning of each line in claim 1 should be avoided so the it eliminates the complex claim format.

It is in the best interest of the patent community the applicant in his/her normal review situations and make changes as necessary. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al (U.S. Patent No. 4,952,927) in view of Bluthgen et al (U.S. Patent No. 6,693,636 B2).

As to claim 1, Deluca discloses an apparatus including a wireless receiver (12); a memory (16, 38) operably coupled to the wireless receiver (12) and having a multiword text message stored therein (see column 4, lines 41-51. Deluca teaches a display (22) operably coupled to the memory (16), and being of sufficient size (12 alphanumeric display elements) to accommodate simultaneous display of a plurality of words as comprise the multiword text message (see column 5, lines 23-42). Deluca teaches a processor (32) operably coupled to the memory (16) and the display (22).

Deluca teaches the processor only permitting a single character of the multiword text message to be displayed by the display at a time while claim requires the processor only permits a single word of the multiword text message to be displayed by the display at a time. In same field of endeavor, Bluthgen teaches the text message received from the transmitter (1) may either scroll character by character or word by word (see column 8, lines 16-19). Thus it is clearly that the processor (7-8) of Bluthgen only permits a single word of the multiword text message to be displayed by the display at a time. Since both Deluca and Bluthgen can scroll the text message character by character or word by word. This reads on the limitation "no two words as comprise a

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part of the multiword text message are simultaneously displayed". For example, Bluthgen teaches scroll word by word then one word displays on the screen at a time. Bluthgen's device does not scroll two words by two words. In other words, there is no two words simultaneously displayed in Bluthgen's device. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used a processor for scrolling word by word as taught by Bluthgen to the scrolling processor of Deluca so the significant parts of the text information available in the sub data can also be shown on display units on small-sized receivers and remote controllers without the requirement of far-reaching amendments in the sub data format (see column 1, lines 45-50 of Bluthgen).

As to claim 2, Bluthgen clearly teaches the first mode of operation further only permitting the single words of the multiword text message to be displayed in a sequence as corresponds to the multiword text message (i.e. scrolling word by word); see column 8, lines 16-19).

As to claim 3, Bluthgen teaches the processor(7-8) further including display means (10) for presenting only a single word of the multiword text message at a time on the display (i.e. scrolling one word by one word or one word at time on the display, not two words at a time because Bluthgen does not scroll two words by two words); see column 8, lines 16-19.

### ***Inquiries***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603. The examiner can normally be reached on Monday- Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Nguyen  
November 29, 2004



Chanh Nguyen  
Primary Examiner  
Art Unit 2675